

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

January 30, 2020
9:00 AM

-----X
IN RE:

Case No. 19-11705-CGM-13

CHERYL LOUISE WILLIAMS-MURRAY,

Hon. CECELIA G. MORRIS

NOTICE OF MOTION

Debtor.
-----X

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Cecelia G. Morris, Chief U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at One Bowling Green, New York, NY 10004-1408, on the 30th day of January, 2020 at 9:00 AM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
December 6, 2019

s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee
399 Knollwood Road, Ste 102
White Plains, NY 10603
(914) 328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

kp7299/LE
January 30, 2020
09:00 AM

-----X
IN RE:

Case No: 19-11705-CGM-13

CHERYL LOUISE WILLIAMS-MURRAY,

Hon. CECELIA G. MORRIS

APPLICATION

Debtor.
-----X

TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 7 on May 28, 2019, converted to Chapter 13 on July 17, 2019, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.

2. The Debtor has failed to comply with 11 U.S.C. §521(a)(1) and Bankruptcy Rule 1007(b) in that the following required documents have not been filed:

a. copies of all payment advices or other evidence of payment for last 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor pursuant to 11 U.S.C. §521(a)(1)(B)(iv), inclusive of documentation pertaining to social security benefit distributions.

3. Furthermore, the Debtor has failed to:

a. re-file a Chapter 13 Plan, as required by 11 U.S.C. §1321 and Fed. R. Bankr. P. 3015(b), on the correct Chapter 13 Model Plan form;

b. serve the Plan on the Trustee and all creditors and file the proof of service thereof as required by S.D.N.Y. LBR 3015-1(c);

c. be examined at the §341 Meeting of Creditors as required by 11 U.S.C. §343;

d. provide the Trustee a copy of a federal and state income tax returns or transcripts for the most recent year, specifically 2018, seven days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i);

e. provide the Trustee with an affidavit of contribution for each person contributing to the proposed plan or to payment of expenses of the Debtor's household;

f. The Debtor must amend the Plan to increase plan payments from \$23.00 as filed to at least \$50.00 per month pursuant to 11 U.S.C. §330(c).

4. The Debtor's budget, Schedules I and J, indicates a negative disposable income which clearly demonstrates that the Debtor will not be able to make any Chapter 13 plan payments as required by 11 U.S.C. §1325(a)(6).

5. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, are defaults that are prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

6. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c) as the Court's extension deadline for filing all documents expired December 6, 2019.

7. It should be noted that the Debtor has filed prior petitions with this Court: Case No. 00-40320, filed February 8, 2000 with joint debtor Michael e Murray, and discharged in a Chapter 7 on August 8, 2000.

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York
December 6, 2019

/s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Case No: 19-11705-CGM-13

CHERYL LOUISE WILLIAMS-MURRAY,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtor.

-----X

This is to certify that I, Lois Rosemarie Esposito, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Cheryl Louise Williams-Murray
675 Walton Avenue # 2-B
Bronx, New York 10451

675 Walton Avenue Inc.
c/o Greenthal Property Management
551 Fifth Avenue # 500
New York, New York 10176

Apple Bank
44 East 161st Street
Bronx, New York 10451

This December 6, 2019
/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito, Paralegal
Office of the Standing Chapter 13 Trustee
Krista M. Preuss, Esq.
399 Knollwood Road, Suite 102
White Plains, NY 10603
(914) 328-6333

CASE NO: 19-11705-CGM-13

Hon. CECELIA G. MORRIS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

CHERYL LOUISE WILLIAMS-MURRAY,

Debtor.

NOTICE OF MOTION, APPLICATION, AND CERTIFICATE OF SERVICE

**KRISTA M. PREUSS
STANDING CHAPTER 13 TRUSTEE
399 KNOLLWOOD ROAD, SUITE 102
WHITE PLAINS, NEW YORK 10603
(914) 328-6333**
